

Remarks/Arguments

This Amendment is responsive to the Office Action of April 8, 2004 rejecting claims 4-11 13-20, 22 and 23 which are pending in the application. No amendments have been made to the claims since the previous Office Action.

As presently, claimed, the invention is directed to an improvement in wipes of the type used for cleaning the surfaces of electronic materials and for cleanroom use in the electronics fabrication industry (Claims 20 and 23). The wipes are low VOC and metallic ion free.

Fundamental to the previous rejection, and continuing with the present rejection of all claims, is the Examiner's erroneous construction of independent Claims 20 and 23. Applicants have used the expression "consisting essentially" of in defining their solution employed in the claimed wipes. The Examiner was of the view that the Applicants had not demonstrated how the addition of many of the components in the cleaning solutions of the prior art would affect the basic and novel characteristics of the claimed wipes, and therefore would have been excluded by the claims. In the absence of such demonstration, the Examiner construed the language "consisting essentially of" as equivalent to "comprising" and, therefore, the claims were construed as including those components recited in the cleaning solutions described in the prior art.

The declaration of Dr. John Marsella was deemed insufficient to overcome the rejection as it did not provide a physical comparison.

Paragraph 3

Rejection of Claims 4-9, 11 and 23 Under 35 U.S.C. §102(e) or
in the Alternative Under 35 U.S.C. §103(a) Over Pedersen, et al US 6,017,872

Examiner's Comments-In paragraph 3, the Examiner maintained the rejection based upon the previous Office Action dated October 22, 2003. Pedersen, et al was cited as teaching a cleaning solution comprising a nonionic surfactant and water and its use. The cleaning solutions are applied to a surface and the surface cleaned by mechanical contact, e.g., wiping with a towel. Applicants' language "consisting essentially of" in Claim 23 was interpreted as equivalent to "comprising" because it had not been demonstrated how the addition of sulfonates would materially alter the basic and novel characteristics of the invention.

Remarks Applicants argued in their response of July 24, 2003 that the wipe as presently claimed excluded the alkanols and sulfonates of Pedersen, et al. In the telephone interview, applicants' attorney reiterated that position. The Examiner countered in the telephone interview and pointed out that Pedersen, et al permitted ester sulfonates in an amount as low as 0.3% and aromatic sulfonates in an amount as low as 0.1%. Applicants' attorney pointed out that even though such levels are low, they would be unacceptably high for use in electronic cleanroom wipes. The Examiner requested the citation of documents that the addition of ionic salts in the amounts required in Pedersen, et al would be excluded from Applicants' claims because they were too high.

As a first piece of evidence, the Applicants are citing an article entitled: Cleanroom Wipers: State-of-the-Art Evaluation Techniques, published in 1996. At page 2, the author cites the major contaminants released from wipers used in cleanrooms include nonvolatile residue, metals and metal ions, anions, which can act as conductors, but also corrosives. At pages 4 and 5, the key message, in terms of Applicants' claims, is the discussion of the effect of metals and ions when present in wipers. In the third paragraph, it is noted the sensitivity for ions in wipers should be in the low *parts-per-billion* range (emphasis added) as this level can be detrimental to today's semiconductor fabrication processes. Obviously,

then, even the low levels of sulfosuccinates as required by Pedersen, et al they would be detrimental to Applicants' claimed cleanroom wipers and such compositions would be unsuited for a cleanroom wiper. Thus, the "consisting essentially of" language would exclude such sulfonates in the amounts employed by Pedersen, et al as they would affect the basic and novel characteristics of the invention.

As a second piece of evidence, Applicants have provided an article of the "dos and dongs" of cleanroom swabs and wipes. Applicants' attorney has underlined the relevant parts. One of the dongs is that the wipe shouldn't conduct electricity and in the 6th paragraph, it is pointed out those ions in the cleanroom wipes are measured at *parts-per billion*, not in tenths of a percent as permitted by Pedersen, et al. At page 3 of the article, it is pointed out that the semiconductor industry is particularly concerned about ion content, particularly sodium and potassium. It is alleged these ions are "killers" for semiconductor wafers. Yet, Pedersen, et al require "a killer" ion in their wipes for surfaces unrelated to cleanrooms. Even at the lowest levels of sulfonates permitted in the Pedersen, et al compositions, that level of ion content would be unacceptable in the cleanroom wipes claimed by Applicants; the "consisting essentially of" language would exclude such levels on the basis that they would affect the basic and novel characteristics of their invention.

Paragraph 4

Rejection of Claims 10, 13-15, 20 and 22 Under 35 U.S.C. §103(a)

Over Pedersen, et al US 6,017,872 and Julemont, Us 4,931,201

In paragraph 4 of the Office Action, the Examiner continued the rejection Claims 1-2, 10, 13, and 15 on the basis the subject matter would have been obvious over Pedersen, et al '872 and Julemont '201.

Julemont discloses pads impregnated with cleaning solutions.

Examiner's Comments-As in paragraph 3, the basic objection to the claims at issue here lies in the interpretation of the language "consisting essentially of" as it applies to the solution employed in the wipes. Per the previous comments in paragraph 3, Applicants, have demonstrated that the incorporation of the sulfonates of Pedersen, et al would affect the basic and novel characteristics of their invention. Thus, the language consisting essentially of cannot be construed as "comprising" the sulfonates of Pedersen, et al. Julemont adds nothing to the issue since the rejection required the solutions of Pedersen, et al be applied to the Julemont pads.

Paragraph 5.

Rejection of Claim 16 Under 35 U.S.C. §103(a)

Over Pedersen, et al US 6,017,872 in view of Kramer, et al US 4,847,089

Examiner's Comments-In paragraph 5 of the Office Action, the rejection of Claim 16 was continued on the basis that Kramer, et al discloses cleaning compositions impregnated in a sponge. It was held by the Examiner that it would have been obvious to impregnate the Kramer, et al sponge with the cleaning solutions of Pedersen, et al.

Remarks-Of course the basis for this rejection must fail with Pedersen, et al having been distinguished as a reference. Thus, the subject matter of Claim 16 would not have been obvious under 35 U.S.C. §103(a) because the sulfonate and alkanol components in the Pedersen, et al reference are excluded.

Paragraph 6

Rejection of Claims 17-19 Under 35 U.S.C. §103(a)

Over Pedersen, et al US 6,017,872

Examiner's Comments-Claims 17-19 stand rejected in the current Office Action under 35 U.S.C. §103(a) in view of the showing of using soft water in the Pedersen, et al cleaning solutions.

Remarks- Per the comments of Paragraph 3, Claims 17-19 were construed as including the elements in the cleaning solution of Pedersen et al, i.e., an ester sulfosuccinate and an aromatic sulfonate. These elements are excluded by Applicants' Claims 20 and 23, and therefore, dependent claims 17-19 for the reasons given. The fact that soft water is used by Pedersen, et al becomes irrelevant in the analysis.

Paragraph 7

Rejection of Claims 4-7, 9-10, 13-15 and 23 Under 35 U.S.C. §103(a)

Over Simon US 6,284,718 in view of Znaiden, et al Us 6,159,487

Examiner's Comments

Simon was deemed relevant to these claims in that it is directed to a composition suitable for cosmetic and dermatological use. Claim 23 teaches a composition comprised of 0.01 to 0.5% by weight of an oxyethylated acetylenic diol and water.

Remarks

First, Simon is directed to nonanalogous art to that of cleanroom wipes. Wipes for removal of cosmetics obviously, in light of the comments of the newly cited references, do not have the same requirements as do the wipes for electronic cleanrooms. Although the compositions cited by Simon include the oxyacetylenic diol, they also include the incorporation of a physiologically acceptable medium (col. 1, lines 63-65). A wide variety of nonionic amphilic compounds are included in the physiologically acceptable medium (col. 2, lines 62-65), fatty materials, (col. 3, lines 53-65) and so forth. Examples 1-3 show various organic formulations for make-up removal, all including components clearly unacceptable in

cleanroom wipers as stated in the newly cited references and thus, excluded by Applicants' claims.

Znaiden, et al is directed to moistened cosmetic eye treatment and the Examiner believed it obvious to incorporate the Simon composition into the pad of Znaiden, et al. The Examiner was of the view that the vapor pressure would have been inherent in the resulting pad and thus the claims would not differentiate. The difficulty with this argument is that the pads also contain other components not permitted by Applicants' claims because of the restriction imposed by the "consisting essentially of" language. The percentage of organics included in the cosmetic eye pads alone would be excluded by the claims not to mention the fact that ionics, such as disodium EDTA, is incorporated into the compositions, (see Tables III-V, cols. 7-8).

Paragraph 8

The declaration under 37 C.F.R. 1.132 was deemed nonpersuasive since a physical comparison had not been made to the cleaning composition of Pedersen, et al. Specifically, the nonvolatility of the composition had not been compared. Applicants' attorney pointed out that such physical comparison need not be made under 35 U.S.C. §103(a) because Pedersen, et al required the presence of excessively high levels of sulfonates which would have been excluded by Applicants' claims. A knowledge of the requirements of cleanroom wipers, as evidenced by the newly cited references, clearly rebuts any position that the consisting essentially of language in the claims could be construed as permitting the level of sulfonates required by Pedersen, et al. Applicants' claims are directed to wipers for cleanrooms in the electronic industry and, it has been pointed out that the compositions of Pedersen, et al are not suited for electronic cleanroom application. There is no motivation for

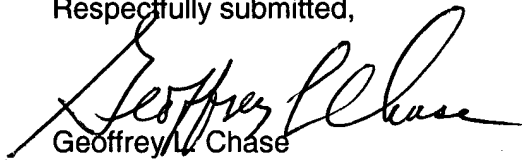
Appl. No. 09/847,883
Reply to the Office Action of April 8, 2004

altering the compositions of Pedersen, et al to provide for a wiper in an electronic clean room application.

Conclusion

In view of the foregoing, it is requested the application be reconsidered and, on due consideration, the claims be allowed and the application passed to issue. None of the cited references anticipate under 35 U.S.C. §102(e) or would have the subject matter of the invention obvious under 35 U.S.C. §103(a). The presence of the "consisting essentially of" language in the claims clearly differentiates the subject matter from the art.

Respectfully submitted,



Geoffrey L. Chase
Attorney of Record
Registration No. 28,059
7201 Hamilton Boulevard
Allentown, PA 18195-1501
(610) 481-h7265